

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

537Q0112

## HOUSE BILL NO. 1035

Introduced by: The Committee on Judiciary at the request of the Office of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to require the Secretary of State to redact certain numbers  
2 before furnishing copies of information.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-8-5 be amended to read as follows:

5 1-8-5. The secretary of state, upon ~~demand and~~ the payment of ~~his lawful~~ the applicable fees  
6 ~~therefor~~, shall furnish to any person a certified copy of any document, book, instrument, paper,  
7 or law of this state on file in ~~his office, which~~ the Office of the Secretary of State. The certified  
8 copy shall be a true, correct, and examined copy of the original document, book, instrument,  
9 paper, or law. If the certified copy contains a social security or employer identification number  
10 which has not been supplied by the person requesting the copy, such number shall be redacted  
11 prior to furnishing the certified copy.

12 Section 2. That § 57A-9-523 be amended to read as follows:

13 57A-9-523. (a) If a person that files a written record requests an acknowledgment of the  
14 filing, the filing office shall send to the person an image of the record showing the number  
15 assigned to the record pursuant to § 57A-9-519(a)(1) and the date and time of the filing of the



record. However, if the person furnishes a copy of the record to the filing office, the filing office may instead:

(1) Note upon the copy the number assigned to the record pursuant to § 57A-9-519(a)(1) and the date and time of the filing of the record; and

(2) Send the copy to the person.

(b) If a person files a record other than a written record, the filing office shall communicate to the person an acknowledgment that provides:

(1) The information in the record;

(2) The number assigned to the record pursuant to § 57A-9-519(a)(1); and

(3) The date and time of the filing of the record.

(c) The filing office shall communicate or otherwise make available in a record the following information to any person that requests it:

(1) Whether there is on file on a date and time specified by the filing office, but not a date earlier than three business days before the filing office receives the request, any financing statement that:

(A) Designates a particular debtor or, if the request so states, designates a particular debtor at the address specified in the request;

(B) Has not lapsed under § 57A-9-515 with respect to all secured parties of record; and

(C) If the request so states, has lapsed under § 57A-9-515 and a record of which is maintained by the filing office under § 57A-9-522(a);

(2) The date and time of filing of each financing statement; and

(3) The information provided in each financing statement. However, if the financing statement contains a social security or employer identification number which has not

1           been supplied by the person requesting the information, such number shall be  
2           redacted prior to providing the information.

3           (d) In complying with its duty under subsection (c), the filing office may communicate  
4           information in any medium. However, if requested, the filing office shall communicate  
5           information by issuing a record that can be admitted into evidence in the courts of this state  
6           without extrinsic evidence of its authenticity.

7           A computer printout from the centralized computer system established by the secretary of  
8           state constitutes the certificate of the secretary of state as to whether there is on file, on the date  
9           and hour stated thereon, a financing statement covering the following collateral: farm products  
10          or accounts, or livestock, or general intangibles arising from or relating to the sale of farm  
11          products by a farmer, or crops growing or to be grown, or equipment used in farming operations.

12          The secretary of state shall, upon a telephone request, furnish to any person, company, or  
13          corporation, information as to whether a financing statement describing farm collateral has been  
14          filed in the Office of the Secretary of State and, if such financing statement has been filed, the  
15          secretary of state shall also furnish the name and business address of the secured creditor.  
16          However, the secretary of state need not answer telephone inquiries in writing nor send written  
17          confirmation from a telephone request. The secretary of state is not responsible for accuracy and  
18          completeness of the information furnished verbally in response to a telephone request. ~~The~~  
19          ~~secretary of state shall provide a toll-free telephone number to provide access for telephone~~  
20          ~~requests.~~

21          (e) The filing office shall perform the acts required by subsections (a) through (d) at the time  
22          and in the manner prescribed by filing-office rule, but not later than two business days after the  
23          filing office receives the request.